

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Karen Thomas, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** May 28, 2013

**SUBJECT:** MODIFICATION REQUEST - BZA Case 18558 - Request pursuant to DCMR 11 § 3129.7 for approval of modifications to approved plans under BZA Order No. 17809 for the expansion and renovation of the Uline Arena and Ice House at 1130-1150 3<sup>rd</sup> Street, NE

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### **I. SUMMARY RECOMMENDATION**

The Office of Planning **recommends approval** of the requested revisions to the approved design to include:

- The introduction of retail space at the ground level of the arena and ice house, previously assigned to office space, thereby reducing the area of the office space; and
- Relocation of the parking from a two-level below grade structure to a 4-level, above grade screened parking structure for 176 spaces (162-182 approved under Order 17809) (§2101).

No new areas of relief have been created with the proposed modifications.

### **II. BACKGROUND**

In BZA Order 17809 (2008) the Board approved the applicant's request for:

- Special exception relief from parking requirements for historic structures under §2120; and
- Special exception relief from the roof structure number and setback requirements under §411 to permit the expansion and renovation of the existing Uline Arena and Ice House in the C-M-1 and C-M-3 District.

Subsequently, the Order has been extended twice by the Board's decision first on September 28, 2010 and thereafter on October 23, 2012. The Order is now valid until **October 2, 2014**.

Accordingly, the approved relief first permitted the conversion of the former arena and ice house to four floors of office space inside the arena, with a new structure at the southeast corner of the property. Two new floors would be built upon the remaining portion of the former Ice House located next to the arena. The Ice House was originally redesigned to be a 4-story building, but would now be reduced to 3 stories, consistent with the residential neighborhood on 3<sup>rd</sup> Street. The two halves of the property would be connected by a hallway to make one single office building. Two levels of underground parking were proposed to provide between 162 and 182 parking spaces.

### III. PROPOSED MODIFICATIONS

The project now calls for the conversion of the complex into an office building with ground floor retail, with parking to be provided in a four-story screened parking garage addition, on land to the south, replacing a non-historic single-story building. With respect to design changes, as explained in the Historic Preservation's Office Staff report (April 25, 2013), "...*Recessed brick panels on the north (M Street) and west (Delaware Avenue) elevations would be opened up and elongated for windows: new openings would be punched into the first floor along Delaware Avenue for garage doors that could open for covered café or outdoor display areas for restaurants and retailers. Dormers would be inserted into the curved roof between the exposed concrete ribs.*" No new areas of zoning relief have been identified with the proposed modification. A comparison of the development data of approved project with the proposed modification is highlighted as follows:

Requirements	C-M Regulations	APPROVED	PROPOSED
Uses (§801)	Any commercial use permitted in the C-4 District under § 751,	<b>Office</b> (with 65,753 sq. ft. of <b>Below-Grade Parking</b> )	Office & Retail (with <b>Above-Grade Parking</b> ) – <b>Conforming</b>
FAR (§ 841)	C-M-3 – 6.0 C-M-1 – 3.0	Arena: <b>2.9</b> Icehouse: <b>2.5</b>	Arena: <b>2.98</b> Icehouse: <b>2.91 Conforming</b>
Parking (§ 2100)	1 per 800 sf over 2,000 sf (for new floor area only) = <b>243 spaces</b>	243 required  <b>182 spaces</b>	202 required  <b>176 spaces – relief granted in 17809</b>
Loading (§ 2200)	None required - addition to historic structure.	Provided: <b>3 berths @ 30 ft.</b> <b>1 service space @ 20 ft.</b>	Provided: <b>3 berths @ 30 ft.</b> <b>2 platforms @ 100 sq. ft.</b> <b>1 service space @ 20 ft. Conforming</b>
Gross Floor Area		Arena: 169,733 sq. ft.  Icehouse: 111,032 sq. ft.  Total: <b>280,765 sq. ft.</b>	Partial Arena/lots 30-34 (C-M-3): 174,165 sf Icehouse/parking/partial arena (C-M-1): 149,725 sf <b>Total : 323,890 sq. ft.</b>

### IV. OP ANALYSIS

Section 3129 requires that the applicant comply with relevant subsections in order to modify previously approved plans.

***Section 3129.2** The Board shall consider requests to approve modifications to plans approved by the Board, as set forth in §§3125.7 and 3231.8. The request shall be in writing, shall state specifically the modifications requested and the reasons therefore and include a copy of the plans for which approval is now requested.*

The applicant has requested the modification in writing and has stated specifically the reasons for the modifications. Copies of the plans for which approval is now requested are included in the application.

**Section 3129.3** *A request for modification of plans shall be filed with the Board not later than six (6) months after the date of the final order approving the application.*

Since the approval was granted, the applicant has continued to refine the project in response to the ANC and Historic Preservation Office's concerns. The applicant has been able to retain the programmatic elements of the original project, with the exception of the office uses on the ground floor of the complex. The requested design changes are revisions to the architectural design, which have not resulted in additional areas of relief.

**Section 3129.4** *All requests for modifications of plans shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.*

The application for modification was served on all parties to the original application at the same time as the BZA.

**Section 3129.6** *No member shall vote on a request for modification of plans unless the member participated in and voted on the original decision or read the record.*

The existing Board members did not participate on the original decision.

**Section 3129.7** *Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon its approving the application.*

The property exhibits a combination of unique factors. The Arena and the Ice House together form a single DC historic landmark. The applicant's initial application stated that the structural nature of the arena prevented excavation beyond two subterranean parking levels. Disturbing the footings underneath the structure can be detrimental to the stability of the building, and excavating too deep could exacerbate the structural instability. Providing underground parking would be made more difficult by the engineer's discovery of the presence of the high water table and location of existing utilities in the street. Therefore, the plans have been modified to provide parking above grade within a screened structure, which would be accessed from Congress Street and not 3<sup>rd</sup> Street.

The project would also now include a retail component, which is permitted in the C-M-1 and C-M-3 Districts. The applicant alluded to the current market conditions of excess inventory of office space. OP has no objection to the change, since the provision of retail would not exceed the FAR requirement for the zone. Also, the community supports retail uses on the site.

The proposed modifications would not change the material facts upon which the Board relied in approving the original application.

## **VI. HISTORIC PRESERVATION**

The property is a designated District of Columbia landmark and the revised project has received concept approval from the Historic Preservation Review Board. The Capitol Hill Restoration Society also recommended approval of the requested changes at its meeting held on May 9, 2013.

## **VI. OTHER DISTRICT AGENCY REPORTS**

The Office of Planning has not received reports from any other District agency.

## **VII. COMMUNITY COMMENTS**

The ANC 6C voted to support the modifications at their regularly held meeting on May 8, 2013.